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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|   |                             |                               |           |
|---|-----------------------------|-------------------------------|-----------|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) | <b>Application Number</b>   | 09/867,749                    |           |
|   | <b>Filing Date</b>          | May 31, 2001                  |           |
|   | <b>First Named Inventor</b> | Bijan Tadayon et al.          |           |
|   | <b>Group Art Unit</b>       | 2161                          |           |
|   | <b>Examiner Name</b>        | Not yet assigned              |           |
| <b>Total Number of Pages in This Submission</b>                                     |                             | <b>Attorney Docket Number</b> | 111325-64 |

| ENCLOSURES (check all that apply)  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input checked="" type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers<br>(for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence<br>Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Other:   |
| <b>Remarks</b>   |   | <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees<br>required or credit any overpayments to Deposit Account No. 19-2380 for<br>the above identified docket number. |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm<br>or<br>Individual name              | <u>Marc S. Kaufman</u><br>Nixon Peabody LLP<br>8180 Greensboro Drive<br>Suite 800<br>McLean, VA 22012 |
| Signature                                  |   |
| Date                                       | September 28, 2001  |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

**FOR FY 2001**

*Patent fees are subject to annual revision.*

|                         |          |
|-------------------------|----------|
| TOTAL AMOUNT OF PAYMENT | \$956.00 |
|-------------------------|----------|

**Complete if Known**

|                      |                      |
|----------------------|----------------------|
| Application Number   | 09/867,749           |
| Filing Date          | May 31, 2001         |
| First Named Inventor | Bijan Tadayon et al. |
| Examiner Name        | Not yet assigned     |
| Group Art Unit       | 2161                 |
| Attorney Docket No.  | 111325-64            |

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

|                              |         |
|------------------------------|---------|
| Deposit<br>Account<br>Number | 19-2380 |
|------------------------------|---------|

|                            |                   |
|----------------------------|-------------------|
| Deposit<br>Account<br>Name | Nixon Peabody LLP |
|----------------------------|-------------------|

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☒ **Payment Enclosed:**

☒ Check    ☐ Credit Card    ☐ Money Order    ☐ Other

### FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 101          | 710      | 201          | 355      | Utility filing fee     | 710.00   |
| 106          | 320      | 206          | 160      | Design filing fee      |          |
| 107          | 490      | 207          | 245      | Plant filing fee       |          |
| 108          | 710      | 208          | 355      | Reissue filing fee     |          |
| 114          | 150      | 214          | 75       | Provisional filing fee |          |

|                     |                 |
|---------------------|-----------------|
| <b>SUBTOTAL (1)</b> | <b>\$710.00</b> |
|---------------------|-----------------|

## 2. EXTRA CLAIM FEES

|                    |    |         | Extra Claims |   | Fee from below |   | Fee Paid |
|--------------------|----|---------|--------------|---|----------------|---|----------|
| Total Claims       | 22 | -20** = | 2            | X | 18.00          | = | 36.00    |
| Independent Claims | 4  | -3** =  | 1            | X | 80.00          | = | 80.00    |
| Multiple Dependent |    |         |              |   |                | = |          |

| Large Fee Code | Entity Fee | Small Fee (\$) | Entity Fee Code | Fee Description (\$)                                       |
|----------------|------------|----------------|-----------------|--|
| 103            | 18         | 203            | 9               | Claims in excess of 20                                     |
| 102            | 80         | 202            | 40              | Independent claims in excess of 3                          |
| 104            | 270        | 204            | 135             | Multiple dependent claim, if not paid                      |
| 109            | 80         | 209            | 40              | ** Reissue independent claims over original patent         |
| 110            | 18         | 210            | 9               | ** Reissue claims in excess of 20 and over original patent |

|                     |                 |
|---------------------|-----------------|
| <b>SUBTOTAL (2)</b> | <b>\$116.00</b> |
|---------------------|-----------------|

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)**

### 3. ADDITIONAL FEES

| Fee Code | Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description   | Fee Paid |
|----------|-----------------------|-----------------------|---|----------|
| 105      | 130                   | 205                   | 65 Surcharge – late filing fee or oath  | 130.00   |
| 127      | 50                    | 227                   | 25 Surcharge – late provisional filing fee or cover sheet                     |          |
| 139      | 130                   | 139                   | 130 Non-English transaction   |          |
| 147      | 2,520                 | 147                   | 2,520 For filing a request for <i>ex parte</i> reexamination                  |          |
| 112      | 920*                  | 112                   | 920* Requesting publication of SIR prior to Examiner action                   |          |
| 113      | 1,840*                | 113                   | 1,840* Requesting publication of SIR after Examiner action                    |          |
| 115      | 110                   | 215                   | 55 Extension for reply within first month                                     |          |
| 116      | 390                   | 216                   | 195 Extension for reply within second month                                   |          |
| 117      | 890                   | 217                   | 445 Extension for reply within third month                                    |          |
| 118      | 1,390                 | 218                   | 695 Extension for reply within fourth month                                   |          |
| 128      | 1,890                 | 228                   | 945 Extension for reply within fifth month                                    |          |
| 119      | 310                   | 219                   | 155 Notice of Appeal  |          |
| 120      | 310                   | 220                   | 155 Filing a brief in support of an appeal                                    |          |
| 121      | 270                   | 221                   | 135 Request for oral hearing  |          |
| 138      | 1,510                 | 138                   | 1,510 Petition to institute a public use proceeding                           |          |
| 140      | 110                   | 240                   | 55 Petition to revive – unavoidable   |          |
| 141      | 1,240                 | 241                   | 620 Petition to revive – unintentional  |          |
| 142      | 1,240                 | 242                   | 620 Utility issue fee (or reissue)  |          |
| 143      | 440                   | 243                   | 220 Design issue fee  |          |
| 144      | 600                   | 244                   | 300 Plant issue fee   |          |
| 122      | 130                   | 122                   | 130 Petitions to the Commissioner   |          |
| 123      | 50                    | 123                   | 50 Processing fee under 37 CR 1.17(q)   |          |
| 126      | 180                   | 126                   | 180 Submission of Information Disclosure Stmt                                 |          |
| 581      | 40                    | 581                   | 40 Recording each patent assignment per property (times number of properties) |          |
| 146      | 710                   | 246                   | 355 Filing a submission after final rejection (37 CFR § 1.129(a))             |          |
| 149      | 710                   | 249                   | 355 For each additional invention to be examined (37 CFR § 1.29(b))           |          |
| 179      | 710                   | 279                   | 355 Request for Continued Examination (RCE)                                   |          |
| 169      | 900                   | 169                   | 900 Request for expedited examination of a design application                 |          |

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

|                     |                 |
|---------------------|-----------------|
| <b>SUBTOTAL (3)</b> | <b>\$130.00</b> |
|---------------------|-----------------|

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, DC 20231, on

Name: \_\_\_\_\_

**SUBMITTED BY**

Name (Print/Type) Marc S. Kaufman

Signature \_\_\_\_\_

|                                      |        |
|--------------------------------------|--------|
| Registration No.<br>(Attorney/Agent) | 35,212 |
|--------------------------------------|--------|

Complete (if applicable)

|           |              |
|-----------|--------------|
| Telephone | 703-790-9110 |
|-----------|--------------|

|      |                    |
|------|--------------------|
| Date | September 28, 2001 |
|------|--------------------|

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

**Bijan TADAYON et al.**

Serial No. 09/867,749

Filed: May 31, 2001

~~For: METHOD AND APPARATUS FOR ASSIGNING~~

**CONDITIONAL OR CONSEQUENTIAL RIGHTS**

**TO DOCUMENTS AND DOCUMENTS HAVING**

**SUCH RIGHTS**



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) Attn: Applications Branch  
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RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NON-PROVISIONAL APPLICATION - FILING DATE GRANTED

Honorable Commissioner for Patents  
Washington, D.C. 20231

September 28, 2001

Sir:

In response to the Notice to File Missing Parts of Non-Provisional Application - Filing Date Granted, under 37 CFR 1.53(b) dated August 1, 2001, submitted herewith is an executed Declaration and Power of Attorney, in compliance with 37 CFR 1.63, and a copy of Notice to File Missing Parts of Non-Provisional Application - Filing Date Granted along with the fees under 37 CFR 1.16(e). (Filing Fees - \$710.00; Total additional claim fee - \$116.00; Surcharge - \$130). The above fees are covered by the attached check in the amount of \$956.00.

Should there be any additional fees required for proper filing of the attached documents, please charge Deposit Account No. 19-2380. Prompt issuance of a filing receipt is respectfully requested.

Respectfully submitted,

Marc S. Kaufman  
Reg. No. 35,212

NIXON PEABODY LLP  
8180 Greensboro Drive  
McLean, Virginia 22102  
(703) 790-9110

JHV/kbd



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/867,749         | 05/31/2001          | Bijan Tadayon         | 111325-64              |

22204  
NIXON PEABODY, LLP  
8180 GREENSBORO DRIVE  
SUITE 800  
MCLEAN, VA 22102



CONFIRMATION NO. 5711

## FORMALITIES LETTER



\*OC000000006368891\*

Date Mailed: 08/01/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/02/2001 BABRAHAI 00000043 09867749

FILED UNDER 37 CFR 1.53(b)

|           |           |
|-----------|-----------|
| 01 FC:101 | 710.00 OP |
| 02 FC:103 | 36.00 OP  |
| 03 FC:102 | 80.00 OP  |
| 04 FC:105 | 130.00 OP |

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$116.
  - \$36 for 2 total claims over 20.
  - \$80 for 1 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 956.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE